

# KING COUNTY PROSECUTING ATTORNEY'S OFFICE



DANIEL T. SATTERBERG  
PROSECUTING ATTORNEY

JUSTICE  
COMPASSION  
PROFESSIONALISM  
INTEGRITY  
LEADERSHIP

15 September 2017

Ms. Susan L. Carlson, Clerk  
Washington State Supreme Court  
PO Box 40929  
Olympia, WA 98504-0929

RE: Proposed Evidence Rule 413

Dear Ms. Carlson,

I am writing in support of proposed Evidence Rule 413. There are an estimated one million immigrants in Washington, one in every seven people in the state. As a legal community dedicated to fairness and safety we must work to assure our most marginalized communities have the ability to seek relief or help through our legal system. We have worked diligently for many years to build trust with immigrant communities and encourage cooperation with the legal system. Providing immigrants access to the courts and a fair trial is essential. We have the responsibility to do what we can to make sure immigrants access to the courts and a fair trial is not in any way diminished or limited.

Immigration status is among the most sensitive evidence that can be introduced in a civil or criminal proceeding. Immigrants are particularly vulnerable and face enormous scrutiny, perhaps never more so than today when Immigration and Customs Enforcement officers are seen in King County courthouses. Introducing immigration status evidence raises issues of deportation. In doing so it chills participation in the legal system and plays on prejudice where factfinders may unwittingly make decisions based on immigrant stereotyping. My office has seen firsthand how immigration status evidence can negatively impact criminal cases and civil protection orders.

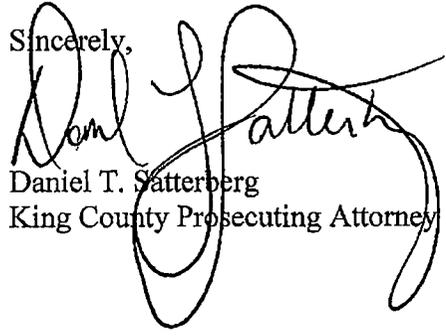
Proposed Evidence Rule 413 is an access to justice issue. It creates an important procedure to responsibly manage the use of immigration status evidence. The proposed rule provides clear process and sensible guidance for trial courts and parties to raise sensitive evidentiary issues on immigration status while preserving constitutional rights and promoting careful judicial review. An evidence rule not only gives a uniform standard and process but promotes professionalism and care of such sensitive evidence no matter the level or manner of legal proceeding. The handling of immigration status evidence in our courts is not an area for disparate practices or an area where we can afford to be inconsistent or misinformed. Immigration status evidence is not

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just a matter of money or embarrassment or shame, but so sensitive it poses life altering consequences that serve to bar marginalized people from coming to court at all. When litigants or victims of crime are afraid to trust the legal system we are no longer providing access to justice.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel T. Satterberg". The signature is stylized with large, sweeping loops and is positioned over the typed name and title.

Daniel T. Satterberg  
King County Prosecuting Attorney

## Tracy, Mary

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**From:** OFFICE RECEPTIONIST, CLERK  
**Sent:** Friday, September 15, 2017 2:05 PM  
**To:** Tracy, Mary  
**Subject:** FW: Comment to Proposed ER 413  
**Attachments:** 20170915140145207.pdf

FYI

-----Original Message-----

**From:** Satterberg, Dan [mailto:Dan.Satterberg@kingcounty.gov]  
**Sent:** Friday, September 15, 2017 2:00 PM  
**To:** OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>  
**Subject:** Comment to Proposed ER 413

Please accept my comment to this proposed rule.

Thank you,  
Dan

DAN SATTERBERG  
King County Prosecuting Attorney  
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Seattle, WA 98104  
(206) 477-1200